

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 236

HOUSE BILL 2148

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2420; RELATING TO SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet.

20 C. Notwithstanding any other law, the department shall not contract
21 with a nongovernmental entity to purchase or secure reflective material for
22 the plates issued by the department unless the department has made a
23 reasonable effort to secure qualified bids or proposals from as many
24 individual responsible respondents as possible.

25 D. The license plate commission established by section 28-2405 shall
26 determine the color and design of the license plate. All other plates issued
27 by the department, except the plates issued pursuant to sections 28-2412,
28 28-2413, 28-2414, 28-2416 through ~~28-2419~~ 28-2420, 28-2452, 28-2453, 28-2454
29 and 28-2455 and article 14 of this chapter, shall be the same color as and
30 similar in design to the license plate as determined by the commission.

31 E. A passenger motor vehicle rented without a driver shall receive the
32 same type of license plate as issued for a private passenger motor vehicle.

33 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

34 28-2403. Special plates; transfers; violation; classification

35 A. Except as otherwise provided in this article, the department shall
36 issue or renew special plates in lieu of the regular license plates pursuant
37 to the following conditions and procedures and only if the requirements
38 prescribed by this article for the requested special plates are met:

39 1. Except as provided in section 28-2416, a person who is the
40 registered owner of a vehicle registered with the department or who applies
41 for an original or renewal registration of a vehicle may submit to the
42 department a completed application form as prescribed by the department with
43 the fee prescribed by section 28-2402 for special plates in addition to the
44 registration fee prescribed by section 28-2003.

1 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
2 28-2414, 28-2416 through ~~28-2419~~ 28-2420, 28-2452, 28-2453, 28-2454 and
3 28-2455 and article 14 of this chapter, the special plates shall be the same
4 color as and similar to the design of the regular license plates that is
5 determined by the license plate commission pursuant to section 28-2351.

6 3. Except as provided in section 28-2416, the department shall issue
7 special plates only to the owner or lessee of a vehicle that is currently
8 registered, including any vehicle that has a declared gross weight, as
9 defined in section 28-5431, of twenty-six thousand pounds or less.

10 4. Except as provided in section 28-2416, the department shall charge
11 the fee prescribed by section 28-2402 for each annual renewal of special
12 plates in addition to the registration fee prescribed by section 28-2003.

13 B. Except as provided in section 28-2416, on notification to the
14 department and on payment of the transfer fee prescribed by section 28-2402,
15 a person who is issued special plates may transfer the special plates to
16 another vehicle the person owns or leases. Persons who are issued special
17 plates for hearing impaired persons pursuant to section 28-2408 and
18 international symbol of access special plates pursuant to section 28-2409 are
19 exempt from the transfer fee. If a person who is issued special plates
20 sells, trades or otherwise releases ownership of the vehicle on which the
21 plates have been displayed, the person shall immediately report the transfer
22 of the plates to the department or the person shall surrender the plates to
23 the department as prescribed by the director. It is unlawful for a person
24 to whom the plates have been issued to knowingly permit them to be displayed
25 on a vehicle except the vehicle authorized by the department.

26 C. The special plates shall be affixed to the vehicle for which
27 registration is sought in lieu of the regular license plates.

28 D. A person is guilty of a class 3 misdemeanor who:

29 1. Violates subsection B of this section.

30 2. Fraudulently gives false or fictitious information in the
31 application for or renewal of special plates or placards issued pursuant to
32 this article.

33 3. Conceals a material fact or otherwise commits fraud in the
34 application for or renewal of special plates or placards issued pursuant to
35 this article.

36 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:
37 28-2405. License plate commission

38 A. A license plate commission is established. The commission is
39 composed of the following members:

40 1. Two public members who are appointed by the director of the
41 department of transportation.

42 2. A person who is appointed by the governor from the governor's
43 office of highway safety and who serves at the pleasure of the governor.

44 3. The director of the department of public safety or the director's
45 designee.

1 4. The director of the department of transportation or the director's
2 designee.

3 5. The director of the office of tourism or the director's designee.

4 6. The director of the state department of corrections or the
5 director's designee.

6 B. The director of the department of transportation or the director's
7 designee shall serve as chairman of the commission. The chairman shall
8 preside at commission meetings and coordinate the activities of the
9 commission and staff implementation of commission actions.

10 C. All official actions of the commission shall be decided by a
11 majority vote of commission members.

12 D. The commission shall determine the following:

13 1. The color and design of license plates.

14 2. The color of special plates to be the same as and the design of
15 special plates to be similar to the license plates, except for special plates
16 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
17 ~~28-2419~~ 28-2420, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
18 chapter.

19 3. Whether to authorize special organization plates pursuant to
20 section 28-2404.

21 4. The indicia for special organization plates issued pursuant to
22 section 28-2404.

23 E. The department shall provide the commission with staff and
24 technical assistance as necessary to perform its functions.

25 F. Commission members are not eligible to receive compensation, but
26 the members who are appointed pursuant to subsection A, paragraphs 1 and 2
27 of this section are eligible for reimbursement of expenses pursuant to title
28 38, chapter 4, article 2.

29 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
30 amended by adding section 28-2420, to read:

31 28-2420. San Carlos Apache tribe special plates

32 A. IF BY DECEMBER 31, 2004, THE SAN CARLOS APACHE TRIBE PAYS
33 THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
34 SECTION, THE DEPARTMENT SHALL ISSUE SAN CARLOS APACHE TRIBE SPECIAL PLATES.
35 THE COLOR AND DESIGN OF THE SAN CARLOS APACHE TRIBE SPECIAL PLATES SHALL BE
36 DIFFERENT FROM THE COLOR AND DESIGN OF REGULAR LICENSE PLATES DETERMINED BY
37 THE LICENSE PLATE COMMISSION PURSUANT TO SECTION 28-2351 AND SHALL BE
38 REPRESENTATIVE OF THE SAN CARLOS APACHE TRIBE.

39 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
40 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS
41 A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL
42 DONATION.

43 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
44 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
45 ESTABLISHED BY SECTION 28-6991 AND SHALL TRANSMIT ALL DONATIONS COLLECTED

1 PURSUANT TO THIS SECTION TO THE SAN CARLOS APACHE TRIBE TRANSPORTATION
2 BOARD. THE SAN CARLOS APACHE TRIBE TRANSPORTATION BOARD SHALL USE THESE
3 MONIES ONLY FOR TRAFFIC CONTROL DEVICES THAT CONFORM TO THE MANUAL AND
4 SPECIFICATIONS PRESCRIBED IN SECTION 28-641 ON HIGHWAYS ON THE SAN CARLOS
5 APACHE TRIBE RESERVATION THAT ARE LOCATED IN THIS STATE AND THAT ARE NOT
6 STATE HIGHWAYS.

7 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

8 28-6501. Definition of highway user revenues

9 In this article, unless the context otherwise requires or except as
10 otherwise provided by statute, "highway user revenues" means all monies
11 received in this state from licenses, taxes, penalties, interest and fees
12 authorized by the following:

13 1. Chapters 2, 7, 8 and 15 of this title, except for:

14 (a) The special plate administration fees prescribed in sections
15 28-2404, 28-2412 through ~~28-2419~~ 28-2420 and 28-2514.

16 (b) The donations prescribed in sections 28-2404, 28-2412 through
17 28-2415, 28-2417, ~~28-2418~~, THROUGH 28-2420, 28-2453, 28-2454 and 28-2455.

18 2. Chapters 10 and 11 of this title.

19 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
20 in sections 28-5926 and 28-5927.

21 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:

22 28-6991. State highway fund; sources

23 A state highway fund is established that consists of:

24 1. Monies distributed from the Arizona highway user revenue fund
25 pursuant to chapter 18 of this title.

26 2. Monies appropriated by the legislature.

27 3. Monies received from donations for the construction, improvement
28 or maintenance of state highways or bridges. These monies shall be credited
29 to a special account and shall be spent only for the purpose indicated by the
30 donor.

31 4. Monies received from counties under cooperative agreements,
32 including proceeds from bond issues. The state treasurer shall deposit these
33 monies to the credit of the fund in a special account on delivery to the
34 treasurer of a concise written agreement between the department and the
35 county stating the purposes for which the monies are surrendered by the
36 county, and these monies shall be spent only as stated in the agreement.

37 5. Monies received from the United States under an act of Congress to
38 provide aid for the construction of rural post roads, but monies received on
39 projects for which the monies necessary to be provided by this state are
40 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
41 shall be allotted by the department and deposited by the state treasurer in
42 the special account within the fund established for each project. On
43 completion of the project, on the satisfaction and discharge in full of all
44 obligations of any kind created and on request of the department, the
45 treasurer shall transfer the unexpended balance in the special account for

1 the project into the state highway fund, and the unexpended balance and any
2 further federal aid thereafter received on account of the project may be
3 spent under the general provisions of this title.

4 6. Monies in the custody of an officer or agent of this state from any
5 source that is to be used for the construction, improvement or maintenance
6 of state highways or bridges.

7 7. Monies deposited in the state general fund and arising from the
8 disposal of state personal property belonging to the department.

9 8. Receipts from the sale or disposal of any or all other property
10 held by the department and purchased with state highway monies.

11 9. Monies generated pursuant to section 28-410.

12 10. Monies distributed pursuant to section 28-5808, subsection B,
13 paragraph 2, subdivision (d).

14 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

15 12. Except as provided in section 28-5101, the following monies:

16 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
17 subsection B, paragraph 2, subdivision (e).

18 (b) One dollar of each registration fee and one dollar of each title
19 fee collected pursuant to section 28-2003.

20 (c) Two dollars of each late registration penalty collected by the
21 director pursuant to section 28-2162.

22 (d) The air quality compliance fee collected pursuant to section
23 49-542.

24 (e) The special plate administration fees collected pursuant to
25 sections 28-2404, 28-2412 through ~~28-2419~~ 28-2420 and 28-2514.

26 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
27 if the director is the registering officer.

28 13. Monies deposited pursuant to chapter 5, article 5 of this title.

29 14. Donations received pursuant to section 28-2269.

30 15. Dealer and registration monies collected pursuant to section
31 28-4304.

32 16. Abandoned vehicle administration monies deposited pursuant to
33 section 28-4804.

34 17. Monies deposited pursuant to section 28-710, subsection D,
35 paragraph 2.

36 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
37 28-6993. State highway fund; authorized uses

38 A. Except as provided in subsection B of this section and section
39 28-6538, the state highway fund shall be used for any of the following
40 purposes in strict conformity with and subject to the budget as provided by
41 this section and by sections 28-6997 through 28-7003:

42 1. To pay salaries, wages, necessary travel expenses and other
43 expenses of officers and employees of the department and the incidental
44 office expenses, including telegraph, telephone, postal and express charges
45 and printing, stationery and advertising expenses.

1 2. To pay for both:

2 (a) Equipment, supplies, machines, tools, department offices and
3 laboratories established by the department.

4 (b) The construction and repair of buildings or yards of the
5 department.

6 3. To pay the cost of both:

7 (a) Engineering, construction, improvement and maintenance of state
8 highways and parts of highways forming state routes.

9 (b) Highways under cooperative agreements with the United States that
10 are entered into pursuant to this chapter and an act of Congress providing
11 for the construction of rural post roads.

12 4. To pay land damages incurred by reason of establishing, opening,
13 altering, relocating, widening or abandoning portions of a state route or
14 state highway.

15 5. To reimburse the department revolving account.

16 6. To pay premiums on authorized indemnity bonds and on compensation
17 insurance under the workers' compensation act.

18 7. To defray lawful expenses and costs required to administer and
19 carry out the intent, purposes and provisions of this title, including
20 repayment of obligations entered into pursuant to this title, payment of
21 interest on obligations entered into pursuant to this title, repayment of
22 loans and other financial assistance, including repayment of advances and
23 interest on advances made to the department pursuant to section 28-7677, and
24 payment of all other obligations and expenses of the board and department
25 pursuant to chapter 21 of this title.

26 8. To pay lawful bills and charges incurred by the state engineer.

27 9. To acquire, construct or improve entry roads to state parks or
28 roads within state parks.

29 10. To acquire, construct or improve entry roads to state prisons.

30 11. To pay the cost of relocating a utility facility pursuant to
31 section 28-7156.

32 12. For the purposes provided in subsections C, D and E of this section
33 and sections 28-1143, 28-2353 and 28-3003.

34 B. For each fiscal year, the department of transportation shall
35 allocate and transfer monies in the state highway fund to the department of
36 public safety for funding a portion of highway patrol costs in eight
37 installments in each of the first eight months of a fiscal year that do not
38 exceed ten million dollars.

39 C. Subject to legislative appropriation, the department may use the
40 monies in the state highway fund as prescribed in section 28-6991, paragraph
41 12 to carry out the duties imposed by this title for registration or titling
42 of vehicles, to operate joint title, registration and driver licensing
43 offices, to cover the administrative costs of issuing the air quality
44 compliance sticker, modifying the year validating tab and issuing the

1 windshield sticker and to cover expenses and costs in issuing special plates
2 pursuant to sections 28-2404, 28-2412 through 28-2419 28-2420 and 28-2514.

3 D. The department shall use monies deposited in the state highway fund
4 pursuant to chapter 5, article 5 of this title only as prescribed by that
5 article.

6 E. Monies deposited in the state highway fund pursuant to section
7 28-2269 shall be used only as prescribed by that section.

8 F. Monies deposited in the state highway fund pursuant to section
9 28-710, subsection D, paragraph 2 shall only be used for state highway work
10 zone traffic control devices.

11 G. The department may exchange monies distributed to the state highway
12 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
13 government surface transportation program federal monies suballocated to
14 councils of government and metropolitan planning organizations if the local
15 government scheduled to receive the federal monies concurs. An exchange of
16 state highway fund monies pursuant to this subsection shall be in an amount
17 that is at least equal to ninety per cent of the federal obligation authority
18 that exists in the project for which the exchange is proposed.

APPROVED BY THE GOVERNOR MAY 17, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2004.

Passed the House March 02, 2004

Passed the Senate May 10, 2004

by the following vote: 59 Ayes,

by the following vote: 25 Ayes,

0 Nays, 1 Not Voting

2 Nays, 3 Not Voting

Jake Flake
Speaker of the House

John Blumett
President of the Senate

Norman L. Fyore
Chief Clerk of the House

Charmine B. Winston
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11th day of May, 2004

at 12:12 o'clock P. M.

Wendy L. Gbarra
Secretary to the Governor

Approved this 17 day of

May, 2004,

at 2⁴⁰ o'clock P. M.

J. N. Noyes
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of May, 2004,

at 4:14 o'clock P. M.

Janice K. Brewer
Secretary of State